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IN THE UNITED STATES DISTRICT COURT

8
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 ANNALEINE REYNOLDS,

No. C 10-04427 CRB

12 Plaintiff,

ORDER RESCHEDULING HEARING

13 v.

14 DAVE APPLEGATE, et al.

15 Defendants.

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17 Now pending is a Motion to Dismiss Plaintiff Annaleine Reynolds's amended
18 complaint. See dckt. no. 18. The Court has just received Plaintiff's Opposition to that
19 Motion. See dckt. no. 29. The Court has also received a "Notice of Stay of Proceedings"
20 filed by Plaintiff, in which Plaintiff asserts that this litigation is stayed by Plaintiff's ongoing
21 bankruptcy proceedings. See dckt. no. 25. The Court has determined that under In re Miller,
22 397 F.3d 726, 729 (9th Cir. 2004) and 11 U.S.C. § 362, this litigation, which was brought by
23 Plaintiff, is not stayed. Accordingly, the litigation shall go forward. However, in light of pro-
24 se Plaintiff's misunderstanding of the law, which might have contributed to the untimely
25 filing of her Opposition to Defendants' Motion, the Court will move the hearing date.
26 Accordingly, the motion hearing now calendared for January 21, 2011 is hereby VACATED
27 and RESCHEDULED for February 11, 2011 at the same time and place. Defendants shall

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1 have until January 21, 2011 to file their Reply, if any.

2 **IT IS SO ORDERED.**

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5 CHARLES R. BREYER
6 UNITED STATES DISTRICT JUDGE
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